

**XII INTERNATIONAL
ECO-CONFERENCE®
21st - 24th SEPTEMBER 2011**

**ENVIRONMENTAL PROTECTION
OF URBAN AND SUBURBAN
SETTLEMENTS**

II



PROCEEDINGS

NOVI SAD, SERBIA

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ECOLABEL – LEGAL CONFIRMATION OF CLEANER PRODUCTION AND SERVICES

Abstract

This work primarily deals with legal regulation of ecolabel, an important tool for informing the public on the impact of products, processes and services on the natural environment. The authors first analyze the related regulation in the law of the European Union, followed by the Serbian regulation what is basically in line with the former. In Serbia ecolabel has been introduced in 2009 based on the European model, thus, it is relatively unknown for the wider public. Therefore, one of the aims of the authors with this work is to popularize ecolabel. As part of this work, the authors have conducted a modest survey on how familiar are people with ecolabel in Serbia and how willing they are to buy products with such label. On the other hand, the authors want to make more familiar the Serbian legal community with the regulation related to this institution.

Key words: *ecolabel, labeling of products, Serbia, EU.*

INTRODUCTION

Constant care for the preservation and furtherance of our environment implies series of different and complex measures. Among these measures the information of the public on the state of the environment has an ever growing importance. For the successful implementation of this aim it is necessary to have a well build up system of access to data on products of producers whose activity significantly affects the state of natural environment. With the aim to promote the publication of such information,

states try to stimulate business organizations to voluntarily inform the public on probable effects of their activities and products on the environment through the special system of awarding ecolabel.

Having in mind that Serbia has recently introduced this kind of labeling based on the model of the European Union, and that the system of requirements for awarding and using such label, as well as its design, is not widely known to the public, the authors of this work aimed to analyze the European, and with it harmonized Serbian legislation in this field. Thus, first the term and aim of eco labeling is explained, followed by the normative regulation in the European Union and in Serbia. Besides, the authors have conducted a survey to see how well are people acquainted with this label in Serbia, and if they prefer products with ecolabel to other products without such label.

TERM, FUNCTION AND FORMATION OF THE ECO LABEL

The term of ecolabel covers a system under which information regarding the impact of a product (and the related production process or a service) on the environment is clearly presented on the product (Stec, Casey-Lefkovic, 2000). The basic idea that led to the introduction of ecolabel was the wish to inform potential consumers that the product was produced in accordance with the standards of the environmental protection policy, and also that it has less harm to the environment than other similar products. Thus, through a special kind of information offered to potential consumers and users of some product or service, they are able to compare and choose a product they wish to buy and consume, directly and simply, comparing their ecological characteristics.

First ecolabels were introduced on national levels in member states of the European Communities. In Germany it was introduced already in 1977, under the name „blue angel“ („*Blau Engel*“). Following this, other Western countries has also introduced their ecolabels, like France („*NF Environment*“, in 1992), Great Britain and Italy („*Ecolabel*“). The ecolabel of the European Union has been created in 1992, and symbolizes a flower („*flower logo*“) (see *infra*: Figure 1). From 1993 the same standards are applied to all the products marketed under ecolabel in the European Union member states and Norway, Island and Lichtenstein (Hunter, Muylle, 1999). The number and range of products and services granted ecolabel is constantly growing in member states of the European Union, thus, one can find cleaning supplies, paper products, textiles, domestic products, products for the garden, lubes, as well as services and activities related to tourism under this label. According to a research, the *flower logo* in 2006 was present only on few hundred products and services, from which 36 were accommodation facilities in the touristic branch. However, during the last few years the sale of products with ecolabel grew for incredible 200 percent, primarily in Italy, the Netherlands, France and Spain („EU voluntary environmental protection instruments“, MEMO 06/6, Brussels, 2006). Thus, today ecolabel is awarded mostly to products of the textile and paint industry, as well as for tourist accommodations

(hotels, hostels, BB).

The Serbian ecolabel has been introduced in 2009, and it consists of two stylized elements – a tree and a cube in three nuances of green with the following slogan written in Serbian with Cyrillic and in English: „Environmentally friendly“ in „officina“ font, place in a circle (Vig, Gajinov, 2010) (see *infra*: Illustration 2). This label can be used by products, processes or services originating from the territory of Serbia which fulfill prescribed criteria, which are identical to those for awarding the European flower logo. It is important to mention that food and agricultural products, drinks, organic products, pharmaceutical products and medical equipments in Serbia (in line with the European regulation) can not get ecolabel. In Serbia the first such label was awarded to Potisje-Kanjiža Corporation in 2010 for the production of tow tiles, pressed tiles and attic constructions.

Illustration 1. Eco label of the EU



Illustration 2. Eco label of Serbia



LEGAL REGULATION OF AWARDING AND USING ECOLABEL IN THE EUROPEAN UNION AND SERBIA

The first legal act on the level of the European Union regulating ecolabel was enacted in 1992, the *Eco-Labeling Regulation 880/92/EEC, OJ L99/1 of 11 April 1992*, amended with *Regulation 1980/2000/EC, OJ L 237 of 21 September 2000*. Based on these legal acts was adopted the *Decision of the Commission on a standard contract covering the terms of use of the Community Eco-label 2000/729/EC of 10 November 2000, OJ L 237, 21.9.2000, p. 1* (hereafter: *Decision*), based on which was adopted the so-called *Standard contract* (hereafter: *Contract*) that regulates the conditions of the usage of the flower logo. These conditions aim to protect the interests both of producers and consumers by introducing in advance defined conditions for the usage of ecolabel.

As it is stated in the *Decision*, the above mentioned *Contract* is concluded between the national body competent for awarding the label and the applicant, with the consent of the European Union Ecolabeling Board (EUEB) in a form regulated in the Annex

of the *Decision*. Besides, the *Decision* regulates all the rights and obligations of the competent bodies awarding the label and of the users of the label. It is emphasized in the *Decision* that ecolabel can be used only on products defined in the *Contract* concluded with the producer, and may not be used as a label on the market.

Aware of the fact that ecolabel can be a special form of good advertisement (Bačun, 2009.), the European lawmaker in article 2 of the *Decision's* Annex prescribes the way and conditions under which it can be used for such purposes. Article 2 regulates the method of implementation of supervision for the use of label by the competent body (i.e., its agents). This procedure includes tracking the accuracy of the usage of the ecolabel by the user, respecting the provisions of the contract, as well as all the conditions of its use. During the supervision, the users are obliged to submit all the necessary information and data essential for the procedure to the competent body. The Annex of the *Decision* furthermore defines the conditions of the confidentiality of information, suspension, and annulment of the contract. Rights and obligations of the parties otherwise terminate with the expiry of the contract if concluded for definite time. The contract also ceases if it is terminated by the parties or when the user ceases to fulfill the requirements for its use. Annex of the *Decision* provides that in case of dispute between the parties courts of the member state where the competent body is situated are competent.

When signing the *Contract*, it is necessary to submit the copy of *Regulation 1980/2000/EC*, copy of *Decision EU 2000/728/ ES*, which prescribe fees and costs related to the use and issue of ecolabel, furthermore, the specification of the product, with the name and reference number of the producer, the production place and factory, the relevant license number for the use of the ecolabel, as well as its precise description, and how will it be printed on the product (in color: in blue and green color, or black on white background or white on black background).

The criteria for acquiring of Serbian ecolabel are very similar to those of flower logo (Crnobrnja, et.al. 2009), with the difference that the products, processes or services originate from Serbia. The legal ground for awarding the Serbian ecolabel is the *Law on the Protection of Environment* from 2004 (in Serbian: *Zakon o zaštiti životne sredine* („*Službeni glasnik Republike Srbije*“, br. 135/2004, 36/2009 i 36/2009 - dr. Zakon)), and the Rule based on this Law, i.e., *Rule on the Conditions and procedure for acquiring the right to use eco label, elements, appearance and the way of use of ecolabel for products, processes and services* (in Serbian: *Pravilnik o bližim uslovima i postupku za dobijanje prava na korišćenje ekološkog znaka, elementima izgledu i načinu upotrebe ekološkog znaka za proizvode, procese i usluge* („*Službeni glasnik Republike Srbije*“, br. 3/2009.)) (hereafter: *Rule*).

In Serbia, similarly to the regulation of the European Union, the use of the ecolabel is based on the principle of voluntariness. The right to use the label can be awarded to products produced on the territory of Serbia if it fulfils at least one of the conditions prescribed by the *Rule*: it decreases the use of energy resources, or emission of noise, or vibration, or radiation, or decreases the emission of harmful and dangerous materials into the environment, reduces the production of waste, the use of resources, or facilitates the use of secondary raw materials, recycled or partly recycled materials (See: art. 4, s. 1, i. 1-12 of the *Rule*).

The procedure of requesting ecolabel commences with application to the Ministry responsible for environmental protection (hereafter: *Ministry*). The application has to contain the name of the applicant, name of the product for which ecolabel is requested, as well as all the data necessary to prove that the requirements to use such label are fulfilled. (See: art. 5, s. 2 of the *Rule*). Furthermore, similarly to the European regulation, different documents have to be attached to the application, among others the description of the product, innovation compared to other similar products of other producers or earlier products of the same kind, technical description, certificates, prospects, and document related to testing and analysis that confirm the fulfillment of conditions of awarding ecolabel. (See: art. 5, s. 3, i. 1-10 of the *Rule*)

On the fulfillment of the conditions for awarding the Serbian ecolabel decides the competent body, which is in Serbia a five member committee erected by the Minister responsible for the environmental protection (hereafter: the *Minister*). It is constituted of one representative of the Ministry, one of the Ministry competent for standardization, one representative of the Serbian Chamber of Commerce responsible for the branch of industry, one representative of the consumers and one expert. The competent body first discusses the request, and following that brings a decision with majority vote. After this, taking into consideration all the phases of the production, draws up a report within 90 days from the receipt of the request. (See: art. 8 and art. 9. of the *Rule*) The decision on awarding ecolabel, for the period of three years, is issued by the Ministry within 10 days from the receipt of the report of the competent body. The competent body is also authorized to supervise the use of ecolabel.

In line with European regulation, the ecolabel can be taken away in a prescribed procedure when the product, process or service ceases to fulfill the requirements of awarding, or if during the use of the ecolabel there was an ecological accident during any phase of the life-cycle of the product. (See: art. 9, s. 1, i. 1-2 of the *Rule*)

The Serbian ecolabel, like the European, is used as a logo on the product, packing and document related to the product, and it always has to be visible, legible and indelible. (See: art. 12, s. 1-2 of the *Rule*). The *Rule* allows using the label for commercial and advertisement purposes, by this popularizing cleaner production and care for our natural environment. At the same time, in our opinion, the Ministry and the media have to take larger stake in the popularization of the ecolabel itself, by making larger publicity to the program of ecolabeling, procedure of awarding such label, taking it away, sorts of products and services for which it can be granted, conditions of awarding it, and other important issues related to this label, as it is an important element of informing the public on the impact of different products, processes and services on the natural environment.

that people in everyday life act like this.

And the last question was: „Would you buy a product with ecolabel if it is only a bit more expensive than other similar product without such label?“

certainly not	not	I do not know	Yes	for sure
0	31	79	89	28

The results related to the third question also show a relatively high ecological awareness of our citizens. People are willing to give money for ecologically friendly products even in the current difficult economic situation. Such support is very important, as in long term it encourages the producers to comply with the requirements prescribed for receiving ecolabel for their products.

CONCLUSION

At the time when on global level there is more and more concern about our natural environment, different forms of environmentally friendly productions are encouraged, as well as sustainable development is stimulated. Thus, we can say that ecolabel gradually becomes more and more popular and demanded label for products, processes and services on the European market. This tendency is also present in Serbia, where the regulation is harmonized with the European. This new regulation created conditions for a large number of environmentally friendly products and services to acquire ecolabel, thus, in the near future the expansion of its use is expected.

This label nowadays represents an undoubted confirmation of quality and fulfillment of high ecological standards for products, processes and services it is granted for, despite the fact that its simplicity, the scarce information it provides, and its use primarily in marketing purposes mitigates its importance as form of information of the public (Kostić, 2009). This stems from the fact that the criteria for awarding eco label are not established based on one or short term factor, but based on studies in which the impact of the product or service on the environment is analyzed on long term, that is to say, during its lifetime – beginning with the extraction of the raw materials in the phase of preparation, over the production and distribution phase to the phase of disposal. Therefore, merely acquiring ecolabel helps in the affirmation of production in which natural resources are spared, natural raw materials are used or those which can be recycled, that is to say, harmful impact on the natural environment can be minimized.

Numerous positive effects of the ecolabel were quickly recognized both by producers and consumers. However, if producers and offerors of services want to use it to attract larger number of customers, and to distinguish their products from others, they will improve their attitude towards the environment and take several steps to protect the environment. In any case, this is desirable outcome and can considerably

contribute to the improvement of our natural environment. On the other hand, customers relying on the presence of ecolabel can be sure that they have done the right choice and contributed to the preservation and protection of our natural environment.

The relatively strict conditions for awarding ecolabel, and the precisely regulated procedure with the participation of experts and representatives of consumers, both in Serbian and the European Union regulation, make more reliable products with such labels. However, it is necessary to invest more into the popularization of the ecolabel in the future in Serbia (Martić, Kuran, 2009). Attention of the consumers has to be drawn on its importance and function. Wider usage of ecolabel on products, processes and services contributes to the improvement of attitude towards the environment in the society and represents a huge incentive to the development of markets on ecologically sustainable and acceptable way.

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ЕКО- ЗНАК - ПРАВНА ПОТВРДА ЧИСТИЈЕ ПРОИЗВОДЊЕ И ПРУЖАЊА УСЛУГА

Сажетак

У овом раду дат је приказ једног од значајних аспеката информисања јавности о утицају појединих производа, процеса и услуга на наше природно окружење, кроз систем правног регулисања добијања и употребе еколошког знака у европском, али и домаћем законодавству. Србија је по узору на земље Европске уније, увела овакву врсту означавања релативно скоро, те читав систем услова за доделу и коришћење српског еколошког знака, као и његово идејно решење није довољно познат широј јавности. Због тога су аутори имали за циљ да се детаљније осврну на ову проблематику, оцене значај ове ознаке на побољшање нашег односа према природном окружењу, али и меру њеног утицаја на потрошаче у процесу одабира производа или услуга на тржишту.

Кључне речи: *еколошки знак, означавање производа, Србија, ЕУ.*